

Corres. and M

MF/GP- 2813 \$



BOX AF

Amendment Under 35 C.F.R.1.116  
Expedited Procedure  
Group: 2813

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:  
HUI-JUNG WU, ET AL

Docket : 30-4540 (4780)

Serial Number: 09/141,287

Group Art Unit: 2813

Filed: August 27, 1998

Examiner: M. Whipple

For: PROCESS FOR OPTIMIZING MECHANICAL STRENGTH  
OF NANOPOROUS SILICA

#10  
Response  
+  
attach  
FJONES  
3-1-00

NOTICE: THIS APPLICATION IS UNDER FINAL REJECTION

RESPONSE TO OFFICE ACTION

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response to the Office Action mailed December 9, 1999, please consider the following remarks.

REMARKS

The Examiner has subjected this application to restriction under 35 U.S.C. 121 and made the requirement final. Reconsideration is requested. It is submitted that the process and article claims should properly be examined in a single application. The Commissioner may statutorily require the election of inventions "If two or more independent and distinct inventions are claimed in one application." In the instant case the Examiner is alleging that the inventions of groups one and two are distinct, although absolutely no showing of such distinctness has been made. 37 C.F.R. 1.141(b) specifically permits process and article

OK TO  
EUTR  
3/8/2000  
WJW

FOR  
ACTION  
RECEIVED  
DEC 10 1999  
PATENT & TRADEMARK OFFICE